

Notification of Non-Compliant Appeal Brief (37 CFR 41.37)	Application No.	Applicant(s)	
	10/051,297	WALTER ET AL.	

Examiner	Art Unit
JEFFREY R. WEST	2857

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 21 April 2008 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.
EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.

1. The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi))
6. The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner and **relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. Other (including any explanation in support of the above items):

See Continuation Sheet.

/Jeffrey R. West/
Primary Examiner, Art Unit 2857

2 – 37 CFR 41.37(c)(1)(iii) requires a statement of the status of all claims (e.g., rejected, allowed, withdrawn, objected to, canceled) and an identification of the appealed claims. Appellant's statement that "Claims 1, 4-17, 20 and 21 are currently pending, all other claims having been canceled" and "All of these claims have been rejected and the rejection of all of these claims has been appealed" does not comply with 37 CFR 41.37(c)(1)(iii) because stating that "all other claims have been canceled" does not clearly state what claims (e.g. by number) have been cancelled. Additionally, Appellant should clearly state (e.g. by number) what claims have been rejected and what claims are appealed rather than referring to the rejected/appealed claims as "all of these claims".

4 – 37 CFR 41.37(c)(1)(v) requires a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings by reference characters and setting forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number and to the drawings by reference characters.

In the supplemental paragraph filed April 21, 2008, no explanation and/or indication as to the structure, material, or acts described in the specification is provided for the claimed functions of "the transducer comprising a sensor, an analog end stage which is connected downstream of the sensor at the output end of the transducer, an electronic circuit which is connected downstream of the sensor, and a processor circuit which is not connected serially between the sensor and the analog end stage", "an impressed output current...is fixed within a range of about 0 to 20 mA, the processor circuit is shifted temporarily from an awake mode", in "sleep mode...the processor is inactive", and "wherein the output signal of the sensor is routed past the processor circuit via the analog signal transmission path when the processor is in said sleep mode for enabling changes in the quantity being measured to be followed while the processor circuit is inactive; wherein the processor circuit has an activity time in which the processor circuit is active which is shorter than the time that the processor circuit remains in the sleep mode; wherein the analog scaling unit comprises analog arithmetic circuit; wherein said at least one analog setting value is a DC voltage signal or a direct current signal which is delivered to the analog arithmetic circuit of the analog scaling unit; and wherein at least one active integrator is connected to the processor circuit and to the analog scaling unit as an actuator for producing said DC voltage signal or direct current signal" of independent claim 16.

5 – The grounds of rejection to be reviewed on appeal indicates that "Claim 8 stands rejected under 35 U.S.C. § 103 as being unpatentable over Popp, Zyl, Yasui et al., and Brucolieri et al., when viewed in combination with Henson, U.S. Patent No. 3,805,092" while claim 8 stands rejected under 35 U.S.C. § 103 as being unpatentable over Popp, Zyl, and Yasui et al., when viewed in combination with Henson, U.S. Patent No. 3,805,092.

The grounds of rejection to be reviewed on appeal indicates that "Claim 10 stands rejected under 35 U.S.C. § 103 as being unpatentable over Popp, Zyl, and Yasui et al., when viewed in combination with Takamuki, U.S. Patent No. 6,057,794" while claim 10 stands rejected under 35 U.S.C. § 103 as being unpatentable over Popp, Zyl, Yasui et al. and Brucolieri et al., when viewed in combination with Takamuki, U.S. Patent No. 6,057,794.

/JRW/